

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

MONICA M. GALLEGOS, et al., Plaintiffs, vs. DANIEL DEFENSE, LLC, et al., Defendants.	Case No.: 2-24-cv-00070
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**DEFENDANTS EOTECH, LLC’S AND PROJECT ECHO HOLDINGS, LLC’S
RESPONSE TO PLAINTIFFS’ NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants EOTECH, LLC (“EOTECH”) and Project Echo Holdings, LLC d/b/a American Holoaptics (“Project Echo”), by and through their attorneys, respectfully submit this response to Plaintiffs’ notice of supplemental authority (“Notice”) regarding the implications of the decisions in *Roberts v. Smith & Wesson Brands, Inc.*, No. 22 LA 00000487 (Ill. Cir. Ct. Apr. 1, 2025), to Defendants’ pending motions to dismiss and Plaintiffs’ pending motion to remand.

The *Roberts* decisions are inapplicable for several reasons. First, they were issued by an Illinois state trial court, and are therefore not precedential authority. Second, the judge in the *Roberts* case certified the decisions referenced by Plaintiffs for an interlocutory appeal based on his conclusion that there is a substantial difference for opinion regarding several of his conclusions regarding the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03 (“PLCAA”).¹ Third, any persuasive value the *Roberts* decisions had has been negated by the Supreme Court’s subsequent unanimous decision regarding the immunity provided by the PLCAA in *Smith &*

¹ Copies of the orders certifying issues for interlocutory appeals in the *Roberts* case are attached hereto as Exhibits 1 and 2.

Wesson Brands, Inc. v. Estados Unidos Mexicanos, 605 U.S. ___, No. 23-1141, 2025 WL 1583281 (June 5, 2025) (“*S&W*”).² Fourth, the issues addressed in the *Roberts* decision are not even relevant to the issues raised in the motion to dismiss by EOTECH and Project Echo for several reasons.

As set forth in Plaintiffs’ Notice, the *Roberts* decisions focused on a “local ordinance that made it illegal to sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon.” Notice at 4-5. That Illinois municipal ordinance is irrelevant to the claims in this case. Unlike the plaintiffs in the *Roberts* case, Plaintiffs in this case do not contend that EOTECH or Project Echo violated any laws applicable to the sale or marketing of firearms or component parts for firearms. The *Roberts* decisions do not address the issue of what parts of a firearm are considered to be component parts and therefore qualified products for purposes of the PLCAA, the primary basis on which Plaintiffs opposed the motion to dismiss by EOTECH and Project Echo. Plaintiffs’ arguments based on duty and causation under Illinois law are irrelevant to Texas law on those issues. *See* Notice at 4-6.

Dated: July 24, 2025

Respectfully submitted,

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² EOTECH and Project Echo submitted a separate notice of supplemental authority concerning the *S&W* decision.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically served upon
all counsel of record through the CM/ECF system on this 24th day of July 2025.

/s/ Scott C. Allan
Scott C. Allan